THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No. 24936 of 2005

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Dated: 29.11.2005

Between:

V. Mallaiah (E.No. 80455), S/o. Rajamallu,
APSRTC, Nizamabad.

..... PETITIONER

AND

The Andhra Pradesh State Road Transport Corporation,

Rep. by its Regional Manager,
Warangal District and another.

.....RESPONDENTS

ORDER:

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The petitioner is employed as conductor in APSRTC. On 29.10.2005, he was conducting the city service in Warangal. A check was conducted at the stage of Kakathiya Medical College. On the allegation that the petitioner did not collect the fare and issue the ticket to a passenger who boarded the bus in the previous stage of Super Bazaar, a charge memo was issued on 29.10.2005. The respondent issued a charge sheet, dated 15.10.2005, framing three charges. On the same day, he placed the petitioner under suspension. The petitioner challenges the order of suspension, in this writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel for the

respondents.

Ordinarily, this Court does not interfere with the order of suspension, because of the reason that the truth or otherwise of the allegations against the employees, needs to be established in the disciplinary proceedings and the employee must be disabled from tampering with the evidence. However, where the allegations, even if taken on their face value, do not warrant such a course of action or where the authority who passed the order of suspension, does not have proper authority, there are instances where this Court interfered.

In the instant case, the gravamen of the allegation of the petitioner is that he failed to collect the fare and issue the ticket to one passenger who boarded the bus at the previous stage. It is not as if the bus crossed number of stages before the said lapse was noticed. The distance between the two stages referred to above is said to be hardly one furlong. At any rate, the petitioner was not accused of collecting fare and failing to issue the ticket.

Another charge is that, the petitioner misbehaved with the checking staff. There is no whisper about this in the charge memo which was issued on the spot. Therefore, this Court is of the view that the suspension of the petitioner is unwarranted in the facts and circumstances of the case.

Hence, the order of suspension dated 15.11.2005 is set aside. It shall be open to the respondents to assign such duties as are permissible under law, to ensure that the petitioner does not tamper with the evidence.

The writ petition is accordingly allowed. There shall be no order as to costs.

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29.11.2005

Note: Furnish C.C. in two days.

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